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EXAMINER	
WANG, LIANG CHE A	

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/617,601	NIEMI, AKI	
	Examiner	Art Unit	
	Liang-che Alex Wang	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7, 9-20 are presented for examination.

2. Claims 1-7, 9-17 are amended, claims 18-20 are added.

Response to Arguments

3. Applicant's arguments filed 7/19/2007, have been fully considered but they are not persuasive.

4. In that remarks, applicant's argues in substance:

   a. That: Applicant argues that Henrikson does not disclose or suggest that a communication terminal receives a failure response including routing details and forward data according to the routing details.

      In response to applicant's argument, it is noted that Henrikson does not alone teaches "a communication terminal receives a failure response including routing details and forward data according to the routing details". It is the combination of Ogle and Henrikson that teaches the claimed limitation. The updated rejection is provided below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 4-7, 9, 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogle et al., US Patent Number 6,430,604, hereinafter Ogle, in view of Henrikson et al., US Patent Number 6,870,916, hereinafter Henrikson.

7. Referring to claim 1, Ogle teaches a communication system (figure 2) comprising a communication terminal (sender 10) for transmitting a request for establishing communication (Col 10 lines 3-5, 51-52, 64-65, sender initiates a request and a message to a recipient), and a server (EMS 46) for handling the request (Col 10 lines 3-5, 54-56, 65-67, message and request are received at EMS to determine the recipients' availability), said server being adapted to respond to a communication establishment failure situation by returning a failure response including rerouting details (Col 10 line 65 – Col 11 line 3, Col 11 lines 14-17, if receipient's availability is negative, the system checks the registered alternative mechanisms and returns a list of available choice to the sender (failure response); alternative mechanisms corresponds to "rerouting details") wherein the communication terminal (sender) is adapted to receive such a failure response including rerouting details (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives), and to forward data according to the received rerouting details (Col 14 lines 25-29, message is delivered on the selected mechanism).

Ogle does not teach the message is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to

establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

8. Referring to claim 3, Ogle as modified teaches the communication system according to claim 1, wherein the failure response has rerouting details including a phone number of a requested receiver (figure 3, phone numbers 315, 325) and the communication terminal (sender) comprises a receiver unit for receiving the failure response (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives) including the phone number of the requested receiver and for forwarding data to the received phone number through a short message service center by a short message service or a multimedia messaging service (Col 7 lines 23-34, phone number is one of the alternative delivery mechanism to deliver the message, figure 2, message are sent via ISDN, PSTN).

9. Referring to claim 4, Ogle as modified teaches the communication system according to claim 1, wherein the failure response has rerouting details including an electronic mail address (figure 3, email 313) and the communication terminal comprises a receiver unit for receiving the failure response (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives)

including the electronic mail address, and for forwarding data according to the electronic mail address (Col 7 lines 23-34, email is one of the alternative delivery mechanism).

10. Referring to claim 5, Ogle as modified teaches the communication system according to claim 1, wherein the communication terminal further comprises an application unit for confirming the forwarding of data according to the received rerouting details (Col 14 lines 25-29, the selected mechanism for delivery is the confirmed forwarding of data according to the received rerouting details).

11. Referring to claim 6, Ogle teaches the communication system according to claim 1, wherein the server comprises a receiving unit for fetching rerouting details including an alternative contact information of the requested recipient from a data storage storing alternative contact information of users (Col 7 lines 57-67, Col 9 lines 22-42, alternative mechanisms includes alternative contact information are stored in data storages for search), a request handling unit for adding the rerouting details to the failure response, and as a response to inability to establish the requested communication (Col 12 lines 20-22, 48-52, alternative mechanisms are created in Block 580, figure 5C), a failure message handling unit for returning to the sender of the request the failure response including rerouting details (Col 12 lines 20-22, 48-52 available alternatives are returned to the sender).

12. Referring to claim 7, Ogle teaches a method for establishing a communication (see title), comprising:

    a. transmitting a request for establishing a communication by a communication terminal (Col 10 lines 3-5, 51-52, 64-65, sender initiates a request and a message to a recipient; figure 2, sender 10 corresponds to the communication terminal),

b. handling the request by a server (Col 10 lines 3-5, 54-56, 65-67, message and request are received at EMS to determine the recipients' availability; EMS corresponds the server),

c. as a response to inability to establish the requested communication, returning a failure response including rerouting details by the server (Col 10 line 65 – Col 11 line 3, Col 11 lines 14-17, if recipient's availability is negative, the system checks the registered alternative mechanisms and returns a list of available choice to the sender (failure response); alternative mechanisms corresponds to "rerouting details"),

d. receiving by the communication terminal the failure response, including rerouting details (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives), and

e. forwarding by the communication terminal data according to the received rerouting details (Col 14 lines 25-29, message is delivered on the selected mechanism).

Ogle does not teach the request message is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

13. Referring to claim 9, Ogle teaches the method according to claim 7, wherein the rerouting details include a phone number (figure 3, phone numbers 315, 325), according to which data is forwarded to a short message service center by the communication terminal (Col 7 lines 23-34, phone number is one of the alternative delivery mechanism, figure 2, message are sent via ISDN, PSTN).
14. Referring to claim 11, Ogle teaches the method according to claim 7, wherein the rerouting details include an electronic mail address (figure 3, email 313), according to which data is forwarded to an electronic mail server by the communication terminal (Col 7 lines 23-34, email is one of the alternative delivery mechanism).
15. Referring to claim 12, Ogle teaches the method according to claim 7, further comprising the step of confirming the forwarding of data according to the received rerouting details in the communication terminal (Col 14 lines 25-29, the selected mechanism for delivery is the confirmed forwarding of data according to the received rerouting details).
16. Referring to claim 13, Ogle teaches the method according to claim 7, wherein handling the request by the server comprises fetching the rerouting details including an alternative contact information of a requested recipient from a data storage storing alternative contact information of users (Col 7 lines 57-67, Col 9 lines 22-42, alternative mechanisms includes alternative contact information are stored in data storages for search), adding rerouting details to the failure response and returning the failure response

including rerouting details as a response to inability to establish the requested communication (Col 12 lines 20-22, 48-52 available alternatives are created and returned to the sender).

17. Referring to claim 14, Ogle teaches a communication terminal (sender 10, figure 2) for transmitting messages (Col 10 lines 3-5), comprising

    a. means for transmitting a request for establishing a communication (Col 10 lines 3-5, 51-52, 64-65, sender initiates a request and a message to a recipient;),

    b. means for receiving a failure response having rerouting details including an alternative contact information as a response to inability to establish the requested communication (Col 10 line 65 – Col 11 line 3, Col 11 lines 14-17, if recipient's availability is negative, the system checks the registered alternative mechanisms and returns a list of available choice to the sender (failure response); alternative mechanisms corresponds to "rerouting details"),

    c. means for displaying the alternative contact information (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives), and means for confirming forwarding of data according to the received rerouting details (Col 14 lines 25-29, the selected mechanism for delivery is the confirmed forwarding of data according to the received rerouting details), and

    d. means for forwarding data according to the received rerouting details as a response to the confirmation (Col 14 lines 25-29, message is delivered on the selected mechanism).

    Ogle does not teach the request is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

18. Referring to claim 15, Ogle teaches a computer program product (Col 6 lines 42-46), comprising a computer readable storage structure embodying computer program code thereon for execution by a computer processor, wherein said computer program code comprises instructions for performing:

    a. transmitting a request for establishing a communication (Col 10 lines 3-5, 51-52, 64-65, sender initiates a request and a message to a recipient),

    b. as a response to inability to establish the requested communication, receiving a failure response having rerouting details including an alternative contact information (Col 10 line 65 – Col 11 line 3, Col 11 lines 14-17, if recipient's availability is negative, the system checks the registered alternative mechanisms including alternative contact information and returns a list of available choice to

the sender (failure response); alternative mechanisms corresponds to "rerouting details"),

c. displaying the alternative contact information (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives),

d. requesting confirmation for forwarding of data according to the received rerouting details (Col 14 lines 25-29, the selected mechanism for delivery is the confirmed forwarding of data according to the received rerouting details), and

e. as a response to the confirmation, forwarding data according to the received rerouting details (Col 14 lines 25-29, message is delivered on the selected mechanism).

Ogle does not teach the request is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

19. Referring to claim 16, Ogle teaches a server (EMS) for handling request-response based communication, comprising means for fetching rerouting details including an alternative contact information of the requested recipient from a data storage storing alternative contact information of users (Col 7 lines 57-67, Col 9 lines 22-42, alternative mechanisms includes alternative contact information are stored in data storages for search), means for adding the rerouting details to the failure response, and as a response to inability to establish the requested communication (Col 12 lines 20-22, 48-52, alternative mechanisms are created in Block 580, figure 5C), means for returning to the sender of the request the failure response including rerouting details (Col 12 lines 20-22, 48-52 available alternatives are returned to the sender).

Ogle does not teach the request is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

20. Referring to claim 17, Ogle teaches a computer program product (Col 6 lines 42-46), comprising a computer readable storage structure embodying computer program code thereon for execution by a computer processor, wherein said computer program code comprises instructions for performing: fetching rerouting details including an alternative contact information of the requested recipient from a data storage storing alternative contact information of users (Col 7 lines 57-67, Col 9 lines 22-42, alternative mechanisms includes alternative contact information are stored in data storages for search), adding the rerouting details to the failure response, and as a response to inability to establish the requested communication (Col 12 lines 20-22, 48-52, alternative mechanisms are created in Block 580, figure 5C), returning to the sender of the request the failure response including rerouting details (Col 12 lines 20-22, 48-52 available alternatives are returned to the sender).

Ogle does not teach the message is a SIP message.

However, Henrikson teaches the use of SIP message to establish communication between mobile terminals (Col 8 lines 16-21).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the SIP message of Henrikson with Ogle to establish communication between user terminals because both Ogle and Hentrikson teaches communication establishment among user terminal including mobiles (Ogle figure 2, Henrikson Col 8 lines 17-21).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the message as an SIP INVITE message allow

senders of Ogle to establish communication in a multimedia session defined by IETF-RFC 2543 with other user terminals as taught by Henrikson.

21. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogle in view of Henrikson, and in further views of Berger, US Publication Number 2004/0203567 A1, hereinafter Berger.

22. Referring to claims 2 and 10, Ogle as modified teaches the communication system and the method according to claims 1 and 7, wherein the failure response has rerouting details including a alternative contact information and the communication terminal has means for receiving the failure response (Col 12 lines 20-22, 48-52, the result from alternative mechanism checking is returned to the sender with a list of available alternatives), including the alternative contact information to another messaging system and for forwarding data to the other messaging system according to the detailed alternative contact information (Col 7 lines 23-34 and figure 3, alternative mechanisms includes alternative contact information).

Although Ogle does not teaches wherein the alternative contact information is a detailed URL. Berger teaches contact information of a recipient could be a URL associated with an Internet web address so that the mobile device may establish a data connection with the server addressed by the URL (page 2 [0024]).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the URL as one of the alternative contact information of the alternative mechanisms because Ogles teaches a system that enables system to use alternative message delivery mechanism using alternative contact

information, and Berger provides URL may be an alternative contact information for the recipients (page 2 [0024]).

A person with ordinary skill in the art would have been motivated to make the modification to Ogle because having the URL as one of the alternative contact information would allow the sender to establish a data connection to the appropriate responding party via the URL as taught by Berger (Page 2, [0018] lines 8-13).

23. Referring to claims 18-20 claims 18-20 encompass the same scope of the invention as that of the claims 1-7, 9-17. Therefore, claims 18-20 are rejected for the same reason as the claims 1-7, 9-17.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is

(571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
July 31, 2007

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER